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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,631	07/29/2003	Chung Kee Lee	B-5168 621105-7	9059

36716 7590 02/27/2006

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EXAMINER

NICOLAS, FREDERICK C

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

7 D

Office Action Summary	Application No. 10/630,631	Applicant(s) LEE, CHUNG KEE	
	Examiner Frederick C. Nicolas	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller 6,112,951.

Mueller discloses a dispensing closure (40), which comprises a closure body (56) adapted to be assembled to the opening of a container (41), an automatic sealing valve (54) disposed in the closure body across the dispensing passage, the valve opening in response to increased container pressure and automatically closing in response to released container pressure (col. 7, ll. 25-46), the closure body integrally comprising a cylindrical body for attachment to the container as seen in Figure 1, a horizontal covering part (57b) extending inwardly from the top of the cylindrical body, a vertical covering part (57c) extending upwardly from the inner end of the horizontal covering part and protruding downwardly at its lower surface which forms a generally tubular spout, a top covering part (58) extending inwardly from the upper end of the vertical covering part, the automatic sealing valve having a static member (note: the area of the valve that seats on element (58)) for engagement in the inside space made by the horizontal covering part, vertical covering part and top covering part of the closure body as seen in Figure 5, a dynamic member (54), wherein the static member comprises a

Art Unit: 3754

horizontal part corresponding to the horizontal covering part and a vertical part corresponding to the vertical covering part, and the dynamic member comprises a flexible lateral part extending inwardly from the top of the vertical part and then bending downwardly (64,68,70,72), an automatic sealing part (66) extending inwardly from the flexible lateral part and having a central opening-closing slit as seen in Figure 6, wherein the top surface of a connect portion between the vertical part and the flexible lateral part have a generally V-shaped groove as seen in Figure 5, and the top surface of the automatic sealing part forms the shape of a reverse dome (Fig 5), and the outer, peripheral surface of the automatic sealing part slopes outwardly, downwardly at least 5 degrees from its vertical axis as seen in Figure 5, a central post (90), an annular small ring (note: the extension of element (58) forms an annular small ring). Mueller lacks that the thickness of the flexible lateral part is not disclosed as being less than $1/3$ of the thickness of the vertical part and not less than $1/3$ of the thickness of the peripheral portion of the automatic sealing part and as well as the claimed subject matter in claim 2

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mueller's sealing valve to have the thickness of the flexible lateral part as being less than $1/3$ and/or $1/4$ of the thickness of the vertical part and not less than $1/3$ of the thickness of the peripheral portion of the automatic sealing part, in order to provide greater flexibility for the lateral part when pressure is applied to enhance the sealing function of the valve and to make distortion on the flexible lateral part as easy as possible.

Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the outer peripheral surface of the automatic sealing part slopes outwardly, downwardly at least 5° and/or 5° to 15° from its vertical axis, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. As per MPEP 2144.05

Response to Arguments

3. Applicant's arguments filed 12/1/2005 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 3754

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick Nicolas whose telephone number is 571-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
February 16, 2006

 2/16/06
Frederick C. Nicolas
Primary Examiner
Art Unit 3754